

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

THEODORE JACKSON,

Petitioner,

v.

BRIAN OWENS, Commissioner,

Respondent.

CASE NO. 7:08-CV-150(HL)
28 U.S.C. § 2254

ORDER

Petitioner Theodore Jackson has filed a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 2). This case is before the Court on the Recommendation (Doc. 15) of United States Magistrate Judge Richard L. Hodge on Respondent Brian Owens' Motion to Dismiss Petition as Untimely (Doc. 9). The Magistrate Judge recommends granting the Motion. Jackson has filed an Objection (Doc. 16) as permitted by 28 U.S.C. § 636(b)(1). The Court has thoroughly considered Jackson's Objection and has made a de novo review of the Recommendation.

As explained by the Magistrate Judge, Jackson's Petition is well outside the AEDPA one-year statute of limitations contained in 28 U.S.C. § 2241. The Court agrees with the Magistrate Judge's reasoning and conclusions as set forth in the Recommendation, but makes one modification to the Recommendation. The second sentence of paragraph two now reads: "Section 2241(d)(1)(A) requires a prisoner

to file a habeas petition within one year of ‘the date on which the [state court] judgment [of conviction] became final by the conclusion of direct review or the expiration of the time for seeking such review.’” The correct citation is Section 2244(d)(1)(A) rather than 2241(d)(1)(A). The Recommendation is hereby modified to include that change.

The Recommendation (Doc. 15), as modified, is adopted and made the order of this Court. Owens’ Motion to Dismiss Petition as Untimely (Doc. 9) is **GRANTED**. Accordingly, Jackson’s Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 2) is **DISMISSED**. To the extent Jackson requests that he be allowed to amend his Petition and be given additional time to file objections, those requests are **DENIED**.

SO ORDERED, this the 14th day of July, 2009.

s/ Hugh Lawson

**HUGH LAWSON
UNITED STATES SENIOR JUDGE**

mbh